

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5193 OF 2006

Shri Bhanudas Dharma Pawar .. Petitioner.
Vs.
Shri Waman Bhau Pawar & Ors. .. Respondents.

Mr.Dilip Bodake for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 17TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner.
None present for the respondents, though served.

2. The petitioner has challenged the order dated 27.6.2006 by which his application under Order 6 Rule 17 of the CPC seeking amendment of the plaint has been rejected. The petitioner sought to add two paragraphs in the plaint, namely, paragraphs 1(A) and 2(A). In paragraph 1(A), the petitioner has given boundaries of the suit property without changing the suit property as described in the plaint and in paragraph 2(A) the petitioner sought to add some more averments in the plaint. Mr.Bodake, learned counsel for the petitioner submits that he has instructions to press the amendment mentioned only in paragraph 1(A). I perused paragraph 1(A) and the order impugned in the present

writ petition. It is clear from the contents of paragraph 1(A) that the petitioner seeks to mention the boundaries of the suit property, bearing city survey no.424. In my opinion no prejudice would be caused to the defendants if the amendment in terms of paragraph 1(A) is allowed. In the circumstances this petition is partly allowed in the following terms:

. The impugned order, insofar as paragraph 1(A) in the application at Exhibit-33 is concerned, stands quashed and set aside. The petitioner's application only to that extent is allowed. The petitioner to carry out amendment in terms of paragraph 1(A) in the application at Exhibit-33 within two weeks from the date of receipt of this order. It is open for the respondents to file an additional affidavit, if they so desire, in reply to paragraph 1(A) to be added in the plaint within four weeks from the date of carrying out the amendment.

. With these observations the writ petition is disposed of.

(D.B.Bhosale, J.)